

REMARKS**Summary of the Office Action**

Claims 1-11 and 18-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Steinhaus et al. (U.S. Patent No. 5,215,098) (hereinafter “Steinhaus”).

Claims 12-15 and 17-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Steinhaus.

Claim 19 is indicated at page 4 of the Office Action as including allowable subject matter.

Summary of the Response to the Office Action

Applicants have canceled claim 18 without prejudice or disclaimer. Applicants have also amended claims 1, 8, 12 and 17 to differently describe embodiments of the disclosure of the instant application’s specification. Accordingly, claims 1-15, 17 and 19 remain pending for consideration.

Rejections under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1-11 and 18-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Steinhaus. Claims 12-15 and 17-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Steinhaus. Applicants have canceled claim 18 without prejudice or disclaimer, rendering the rejection of this claim moot. Applicants have also amended claims 1, 8, 12 and 17 to differently describe embodiments of the disclosure of the instant application’s specification. To the extent that these rejections might be deemed to apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

The Examiner is thanked for the indication at page 4 of the Office Action that claim 19 of the instant application includes allowable subject matter. In particular, the “Allowable Subject

Matter" portion at page 4 of the Office Action indicates that the "prior art of record fails to teach the equation for the calculation of time delay shift, in conjunction with other elements of the claims." Accordingly, it appears that the inclusion of claim 19 in the above-discussed rejection under 35 U.S.C. § 102(b) was a typographical error in the Office Action. Withdrawal of the rejection of claim 19 is thus respectfully requested. In the event that Applicants' understanding is incorrect in this regard, clarification is requested in the next Office Communication.

In light of the Office Action's indication of allowable subject matter, each of the remaining independent claims 1, 8, 12 and 17 have also been amended to include this equation. Accordingly, newly-amended independent claims 1, 8, 12 and 17 are also now in condition for allowance. In addition, Applicants provide the following additional comments.

Applicants respectfully submit that the "database" of embodiments of the disclosure of the instant application is different from the "temporary buffer 80" or "storage controller 85" of Steinhaus. A heartbeat signal is recorded in the "database" person by person. However, the "temporary buffer 80" or "storage controller 85" is not same as the "database" of the present invention.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn because Steinhaus does not teach or suggest each feature of independent claims 1, 8, 12 and 17, as amended. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Similarly, MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be

taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)."

Furthermore, Applicant respectfully asserts that the dependent claims are allowable at least because of their dependence from newly-amended claim 1, 8 or 12, and the reasons set forth above.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the entry of the Amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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